

Ingram, Earl

From: Peter Jenkins <PJenkins@CenterforFoodSafety.org>
Sent: Tuesday, August 26, 2014 3:02 PM
To: Herndon, George; Dyner, Mark
Cc: Larissa Walker; Samek, Karen
Subject: meeting Regarding New Label Language for Bag/Tags for Treated Seed

Jeff, Mark, Karen:

Thank you for the helpful meeting today. Your frankness on many points was much appreciated. Feel free to contact me if you would like more information on the points we mentioned.

As I said, apart from the 2003 EPA-PMRA *Harmonization* document, we have not found any EPA document that specifically interpreted the “treated article” exemption to apply to neonicotinoid coated seeds. If you can point me to such a document it will be much appreciated.

Cheers,

Peter T. Jenkins, Attorney/consultant
Center for Food Safety
660 Pennsylvania Ave. SE, Suite 302
Washington, DC 20003
Tel: 202.547.9359
Email: pjenkins@centerforfoodsafety.org

From: Herndon, George [mailto:Herndon.George@epa.gov]
Sent: Monday, August 25, 2014 2:52 PM
To: Peter Jenkins
Cc: Larissa Walker; Samek, Karen
Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Mr. Jenkins,

Yes, we are good with your agenda and in her email Karen gave you the contact information to get from the lobby to the 7th floor of our building. If you run into any issues, my number is (703)305-6362. See you tomorrow at 1:00.
Jeff Herndon

From: Peter Jenkins [<mailto:PJenkins@CenterforFoodSafety.org>]
Sent: Monday, August 25, 2014 1:47 PM
To: Herndon, George
Cc: Larissa Walker; Samek, Karen
Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Mr. Herndon – we are looking forward to the meeting tomorrow at 1:00. I assume we will need to call up to you in order to get in. I saw no objections/additions to the proposed agenda so will plan on following it.

Cheers,

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From: Peter Jenkins
Sent: Thursday, August 14, 2014 2:57 PM
To: 'Herndon, George'
Cc: Larissa Walker; Samek, Karen
Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Mr. Herndon,

I propose this Agenda in response to your kind willingness to meet on the topics raised in my letter of April 23 and May 5, and as reflected in your response letter of July 21. None of these issues involves any matters at issue in the current Ellis vs. Housenger et al. litigation. Please let us know in advance if you have additions to this proposed Agenda:

- a) Status of the Bayer CropScience-led group revising the seed bag/tag labels: active? expected completion date?
- b) Has EPA approved revised language EPA requires to go on bags/tags of neonicotinoid-treated seeds? If so, may we see the latest language approved?
- c) CFS reiteration of Federal Advisory Committee Act violation concerns
- d) Broad suite of pollinator and environmental risks of neonicotinoid-treated seeds from CFS perspective
- e) Inadequacy of existing EPA-required language on seed bag/tags from CFS perspective
- f) Beekeeper and CFS-supported label recommendations to reduce contaminated dust/talc emissions from neonicotinoid treated seeds: EPA response?
- g) Lack of efficacy of neonicotinoid-treated seeds in most major crop contexts, per CFS *Heavy Costs* report
- h) Other matters of mutual interest

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-----Original Message-----

From: Herndon, George [<mailto:Herndon.George@epa.gov>]
Sent: Wednesday, August 13, 2014 5:11 PM
To: Peter Jenkins
Cc: Larissa Walker; Samek, Karen
Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Sounds good....thanks!

-----Original Message-----

From: Peter Jenkins [<mailto:PJenkins@CenterforFoodSafety.org>]
Sent: Wednesday, August 13, 2014 5:09 PM
To: Herndon, George
Cc: Larissa Walker; Samek, Karen; Peter Jenkins
Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Thanks Jeff. I will have an agenda proposed before Aug. 19 then. - Peter Jenkins

From: Herndon, George <Herndon.George@epa.gov>
Sent: Wednesday, August 13, 2014 3:32 PM
To: Peter Jenkins
Cc: Larissa Walker; Samek, Karen
Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Mr. Jenkins,
Hope you have been doing well. Just checking in to verify our meeting on Tuesday August 26th at 1:00 PM. Also, I had a conversation with our OGC and we felt that it would be helpful if you could send in a proposed agenda a week ahead of the meeting to help avoid any issues with pending litigation. Let me know if you have any concerns with this. Look forward to the meeting.
Jeff Herndon

-----Original Message-----

From: Peter Jenkins [<mailto:PJenkins@CenterforFoodSafety.org>]
Sent: Thursday, July 31, 2014 4:25 PM
To: Herndon, George
Cc: Larissa Walker
Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Yes - let us please book that. Let's confirm by email a few days before. Thanks very much

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-----Original Message-----

From: Herndon, George [<mailto:Herndon.George@epa.gov>]

Sent: Thursday, July 31, 2014 4:18 PM

To: Peter Jenkins

Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Any chance you are available on Tuesday August 26th at 1:00 PM to have the meeting?

-----Original Message-----

From: Peter Jenkins [<mailto:PJenkins@CenterforFoodSafety.org>]

Sent: Wednesday, July 30, 2014 2:38 PM

To: Herndon, George

Cc: Larissa Walker

Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Yes George, Larissa and I can do that week, shall we say 27th (Wed.) at 10?

-----Original Message-----

From: Herndon, George [<mailto:Herndon.George@epa.gov>]

Sent: Wednesday, July 30, 2014 2:29 PM

To: Peter Jenkins

Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Unfortunately, I have an EPA training course all week the week of August 18th. What is your availability the week of August 25th?

-----Original Message-----

From: Peter Jenkins [<mailto:PJenkins@CenterforFoodSafety.org>]

Sent: Wednesday, July 30, 2014 1:11 PM

To: Herndon, George

Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Sorry - I was just going to get back with you. I just got scheduled for a medical procedure on the 12th and don't think I will be able to do the 13th or 14th. So how about exactly one week later, the 20th or 21st at 10:00?

-----Original Message-----

From: Herndon, George [<mailto:Herndon.George@epa.gov>]

Sent: Wednesday, July 30, 2014 12:52 PM

To: Peter Jenkins

Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Sounds good...let me check availability and get back to you either today or tomorrow. Thanks!

-----Original Message-----

From: Peter Jenkins [<mailto:PJenkins@CenterforFoodSafety.org>]

Sent: Wednesday, July 30, 2014 11:06 AM

To: Herndon, George
Cc: Larissa Walker
Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

That is fine. As you will have additional people I would like to also include my colleague, Larissa Walker, our Policy & Campaign Coordinator, copied on this.

Can we suggest 10:00 a.m. on Wed. or Thurs, 8/13 or 14?

- Peter Jenkins

-----Original Message-----

From: Herndon, George [<mailto:Herndon.George@epa.gov>]
Sent: Wednesday, July 30, 2014 10:58 AM
To: Peter Jenkins
Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Mr. Jenkins,

I just called Mark Dyner and neither he nor Michele Knorr is available until the week of August 11th. Can we reschedule for one day that week? Let me know if you have time that week. Our building address is 2777 South Crystal Drive Arlington, VA 22202. Sorry about having to ask you to reschedule.
Jeff Herndon

-----Original Message-----

From: Peter Jenkins [<mailto:PJenkins@CenterforFoodSafety.org>]
Sent: Wednesday, July 30, 2014 10:04 AM
To: Herndon, George
Cc: Peter Jenkins
Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Mr. Herndon:

Your letter kindly offered to meet and discuss the matters in the various letters that have gone back and forth.

I am happy to meet with you at your office. Would this Friday morning say at 10:00 work or next Monday say at 1:00? If neither of those are good please suggest alternatives.

Thanks very much

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-----Original Message-----

From: Peter Jenkins

Sent: Tuesday, July 22, 2014 10:47 AM

To: Samek, Karen

Cc: Herndon, George; Rossi, Lois; Dynner, Mark

Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Thank you for your letter. I am on vacation now but will look forward next week to beginning the process of scheduling a meeting, as suggested in the letter. Peter Jenkins

From: Samek, Karen [Samek.Karen@epa.gov]

Sent: Monday, July 21, 2014 4:56 PM

To: Peter Jenkins

Cc: Herndon, George; Rossi, Lois; Dynner, Mark

Subject: RE: Letters Regarding New Label Language for Bag/Tags for Treated Seed

Dear Mr. Jenkins,

This e-mail is to let you know that a response to your letters dated April 23, 2014 and May 5, 2014 was mailed to you today. Our response is attached to this e-mail for your convenience. If you have any questions please contact Jeff Herndon at by phone at (703) 305-6362 or by email at Herndon.George@epa.gov<<mailto:Herndon.George@epa.gov>>.

Best regards,

Karen

Karen Samek

Registration Division

Samek.karen@epa.gov<<mailto:Samek.karen@epa.gov>>